

# **Libby Community Advisory Group**

## **Meeting Summary**

### **November 13, 2008**

#### **Introductions**

Gerald Mueller and members of the Libby Community Advisory Group (CAG) introduced themselves. A list of the members in attendance is attached below as Appendix 1.

#### **Agenda**

The CAG agreed to the following agenda for this meeting:

- New Business
  - Export Plant Record of Decision
- Old Business
  - Troy Investigation
  - Letter to Senator Baucus
  - Public Health Emergency
- Agency Reports
- Public Comment
- Next Meeting Agenda

#### **Export Plant Record of Decision**

Kathy Hernandez, Remedial Project Manager for the Libby vermiculite processing units, and Chris Weis, an EPA Toxicologist, provided an update of the decision process for Operating Unit1 (OU1), the Export Plant site, using a power point presentation entitled, OU1: Former Export Plant Update.” She passed out hard copies of her presentation to the CAG and audience members.

Key points of her presentation follow.

CERCLA Process - After discovery of a potential Superfund site, the process provided in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) includes the following steps:

- Site inspection;
- Inclusion of the site on the National Priority List;
- Remedial investigation (RI);
- Feasibility study (FS);
- Proposed plan;
- Remedy selection and record of decision (ROD);
- Remedial design;
- Remedial action;
- Operation and maintenance; and
- Removal of the site from the National Priority List.

Post ROD Changes - After the record of decision is issued, changes can be made to the remedial action. Examples of reasons for changing the remedial action include:

- Development of a new treatment technology that would make feasible changing from capping to treatment;
- Change in Applicable or Relevant and Appropriate Requirements (ARAR), i.e., the standards under which the remedial action occurs;
- Determining that institutional controls (ICs) are not adequate; and
- Change in the disposal location because it is not feasible to continue disposing of waste at original repository.

The Superfund Process at OU1 - The past and planned process at OU1 has or will include the following steps:

- Emergency Response - From 2000-2008 removal actions have taken place under emergency authority.
- Remedial Investigation (RI) - The RI will be issued in December 2008 and will include a summary of historical sampling, removals, background and qualitative risk assessment in the 2003-2008 period.
- Feasibility Study (FS) - The FS will be issued in December 2008, and it will include an analysis of the cleanup alternatives.
- Proposed Plan - A proposed cleanup plan will be issued in February 2009 that will identify a preferred remedial alternative and allow for public comment on it.
- Record of Decision (ROD) - The ROD will be issued in May 2009. The ROD is the official report documenting the site background and describing the chosen remedy and why it was selected.
- Remedial Design (RD) - From April to August 2009, the technical plans and specifications for implementing the chosen remedial alternative will be prepared.
- Remedial Action (RA) - From July to October 2009, construction to implement the remedial alternative will occur.
- Operation and Maintenance (O&M) - Activities to protect remedy will begin in November 2009.

Key Differences Between OU1 and OU4 - The key differences between the operable unit addressing Libby's residential and commercial properties, OU4, and the export plant operable unit, OU1 are summarized in the following table.

<b>Key Differences Between OU1 and OU4</b>			
Observation	OU1	OU4	Key Difference
Historical Use	Commercial Recreation Processing Area	Commercial Recreation Residential	Historical use indicates OU1 was a processing facility and there is an expectation that larger quantities of mining related materials are present at higher concentrations and at greater depths than would be expected within OU4.

Current and Future Use	Recreation Commercial	Recreation Commercial Residential	OU1 is not used for residential purposes and is owned by the city. Recreational and commercial uses are easier to control and manage than residential use properties.
Ownership	City	City Private USFS	
Size	7 acres	122,880 acres	OU1 is smaller and lends itself better to an OU wide remedy

Draft Final Remedial Investigation - Key draft findings from the remedial investigation include:

- Asbestos measurement results from personal air monitoring at search and rescue were low.
- Outdoor ambient air sample results near OU1 were low.
- Personal air sample results during brush hogging were relatively low.
- OU1 Surface soils:
  - Results were non-detect or trace levels
  - Levels of visible vermiculite were low to medium which indicates cover material brought in during previous removal activities has been compromised by site activities.
- Highway 37 embankment areas adjacent to OU1 had asbestos levels as high as 1%.
- Subsurface soils are known to contain vermiculite, the exact location and depths of which are not fully documented or delineated.

#### OU1 Risk Assessment Summary

- Risks to OU1 workers or visitors from breathing ambient air are low. Low exposures in one area of the site may be additive with exposures at other site areas.
- Risks to volunteers from breathing indoor air at the Search and Rescue Building are low.
- Risks from exposure to outdoor soil were not quantified due to current lack of a reliable analysis method. EPA is actively working to develop a usable method for identifying exposure potential from soil.
- Soil is believed to contain large amounts of residual vermiculite that could pose exposure concerns now and especially in the future if it is not handled appropriately.

Opportunity for Public Review and Comment - The final RI and FS are made available for public review during the proposed plan comment period. The administrative record, which includes these documents, will be available before the proposed plan is issued. The proposed plan comment period is the formal public review period and is a minimum of 30 days. This time frame can be extended.

*CAG Member Comment - The schedule for the record of decision for OU1 is new. I take exception to the speed with which it is being brought to us. We have been under an emergency cleanup for 9 years. EPA is proposing the decision schedule in response to the City's use of the export plant property. Rather than conduct a qualitative risk assessment, EPA should continue*

*to work under the emergency and take the time needed to conduct a quantitative risk assessment.*  
Response - Because we have been planning for this site for more than six months, we cannot continue under emergency response authority.

*CAG Member Question - Will you please provide me with a copy of the written EPA guidelines that state that a planning period of six months requires a record of decision and a remedial rather than emergency cleanup?*

Answer - Yes, we will provide a copy. Paul Peronard always planned for a record of decision for OU1 and OU5. We are transitioning from the emergency to remedial action with public comment.

*CAG Member Question - I want to see the written guidance that states that the length of the planning period determines the process for the cleanup decision. EPA has been planning for the cleanups for the creeks for longer than six months but is taking action without a record of decision. Why is there a different approach for the creeks than for OU1?*

Answer - The difference is due to two reasons, the concentrations of the asbestos and the human health exposure.

*CAG Member Comment - I do not understand why we are rushing into a record of decision for OU1. The Parker and Power properties were cleaned without a record of decision. I do understand the need to cap the OU1 property. EPA needs to work with the Libby community so that the export plant site will be safe and we are better able to understand and respond to a proposed record of decision and cleanup plan.*

Responses - EPA has discussed with the CAG developing a record of decision for the Libby cleanups for some time.

*CAG Member Comment - EPA has changed from the emergency response to the remedial action over night.*

Response - As soon as a site is put on the National Priority List, its cleanup moves to remedial action. Even under the remedial cleanups, EPA can still take time critical actions to protect human health. The contamination at the export plant is subsurface, and does not pose an immediate threat to human health. The creeks posed an immediate public health threat because children play in them.

*CAG Member Comment - To reduce our use of time tonight, would EPA please respond to my questions in writing?*

Answer - Yes, if you submit written comments to us, we will respond in writing.

*CAG Member Comment - You said that the contamination at the export plant does not pose an immediate threat because it is under the surface. Why then did EPA go to court to prevent the city from mowing weeds at this site? Didn't you argue that there was an immediate threat?*

Answer by Mike Cirian - We did go to court to halt city actions regarding weeds at the export plant site. When the city was disposing of snow, equipment cut a path resulting in low levels of potential exposure to ground up vermiculite.

*CAG Member Question - Are the sampling results and the risk scenarios for OU1 available?*

Answer - Yes. The proposed qualitative risk assessment is currently under review.

*CAG Member Question - How much of this information was run by the Technical Advisory Committee (TAG)?*

Answer - The documents have been provided to the TAG; however, it has not had a technical expert to review them.

*CAG Member Question - When did the TAG receive these documents?*

Answer - We will find out.

*CAG Member Comment - I do not remember that the TAG has discussed conducting a qualitative rather than a quantitative risk assessment. It is hard for the community to understand the rationale for the qualitative risk assessment for OU1 and the quantitative approach for the other sites.*

Response - To conduct the quantitative analysis at OU1, we would have to unearth the buried contamination, conduct theoretical modeling, and then decide what to do with the contamination. It seemed common sense to us to leave the buried contamination in place and conduct a qualitative risk assessment that would allow us to cap the contamination in place.

*CAG Member Question - Why can't you cap the export plant site under emergency authority and conduct a quantitative risk assessment? One of the possible outcomes of the quantitative assessment could be no further action to not disturb the cap. This approach would forgo the need to rush forward with the record of decision but still keep the export plant site safe.*

Answer - We cannot take use the emergency cleanup authority because the buried contamination does not pose an immediate human health risk. We cannot spend federal money at the export plant site without a record of decision. We believe that a record of decision based on a qualitative risk assessment will be beneficial to the community.

*CAG Member Comment - EPA is using the emergency authority for cleanups all over town including the golf course, creeks, and Parker and Power properties. Now because the city wants to use the export plant authority, you are opting for a qualitative risk assessment.*

Response - We believe that a qualitative assessment may be a proper response for the reasons stated and because the export plant is a small area that can be capped. A qualitative risk assessment at OU1 would not create a precedent for the other operable units.

*CAG Member Comment - Gayla Benefield raised the issue of contamination of the creeks at a public meeting in 1999.*

Response by Chris Weis - I walked the creeks the day after Ms. Benefield raised the concern about them. While I saw contamination, EPA decided then that we had more pressing cleanup issues to address to protect human health.

*CAG Member Comment - I attend most city council meetings. I am not aware that the city has adopted plans for use of the export plant site.*

Answer - The city presented draft plans for the site at a meeting at the county building.

*CAG Member Question - This may have been a meeting from which I was excluded. I was asked to leave a city council meeting after I asked if EPA would replace the buildings that were removed from the export plant site during the cleanup. EPA is apparently doing business with the mayor and Dan Thebe. The mayor had a conflict of interest at this site. We had 24,000*

*square feet of buildings and economic activity and jobs at this site that have not been replaced. Will the buildings be replaced?*

Answer - EPA is not planning to replace the buildings.

*CAG Member Comment - I am a member of the Board of Directors of Libby Main Street. There is no money to implement any plans at the export plant site.*

*CAG Member Question - Has EPA addressed the possibility of percolation through a cap at the export plant site?*

Answer - We are not concerned about the possibility of migration of asbestos through a cap.

*CAG Member Comment - It is my understanding that the results of epidemiologic studies underway by the CARD Clinic are not being used in the EPA toxicology studies for the risk assessment.*

Response by Chris Weis - I agree that the information being developed by the CARD Clinic and others specific to Libby is some of the most important available for the Libby risk assessment. I discussed this today with officials in EPA Region 8. It is important not to assume that the people in the Denver office are aware of the importance of the data being collected by Dr. Black. Please constantly share information with Region 8 regarding clinical findings related to asbestos exposure in Libby.

*Comment by Dr. Black - We had discussions in September with the Office of Research and Development about the Libby non-occupational asbestos exposure. The plan currently is to use National Institute for Occupational Safety and Health (NIOSH) to establish dose-response relationship for non-cancer health effects. EPA is also using animal studies through the National Health and Environmental Effects Research Laboratory (NHEERL) at Research Park Triangle, but it is difficult to characterize dosing samples and compare relative toxicity to our situation. Theoretical modeling will be used to extrapolate for low level exposures to determine disease effects. EPA is also planning to use studies at Marysville, Ohio to relate low levels of exposure to the development of asbestos biomarkers. The Marysville studies will be helpful. Understanding the risk imposed by low levels of exposure in Libby is a critical issue. Failure to utilize the Libby Health Studies (lower, non-occupational exposures) would leave an important data gap out of the analysis of dose-response.*

***CAG Action - Those CAG members present at this meeting agreed to ask the EPA Region 8 Deputy Director Carol Rushin (now Acting Regional Director) to attend a joint CAG and TAG meeting in January 2009 to discuss CARD studies of the health effects from low levels of exposure to Libby amphibole asbestos.***

## **Troy Investigation**

Catherine LeCours, with the Montana Department of Environmental Quality, provided two handouts to report on the Troy Investigations. These handouts had been previously emailed to the CAG email lists. One handout summarized the Troy asbestos property evaluations and the other was a map showing the Troy Operable Unit (OU7). OU7 includes 1,220 parcels. DEQ mailed access agreements to 1,144 of these, and the owners of 887 or 78% of them allowed inspections. To date, 793 parcels have been inspected, and of those, 305 met three of the



following criteria for interior only removal (46 parcels), exterior removal only (224 parcels), or both interior and exterior removal (35 parcels).

- Attics/Walls: \* Visual confirmation of open, non-contained, or migrating vermiculite insulation
- Interiors: \* Visual confirmation of vermiculite in the indoor living space  
\* Concentration of Libby amphibole in an indoor dust sample greater than 5,000 Libby amphibole structures per square centimeter
- Soils: \* Visual confirmation of vermiculite or other vermiculite mine related materials in "specific use areas."  
\* Concentration of Libby amphibole in specific use areas or other yard soils by any analytical method greater than or equal to 1% Libby amphibole

To date, \$4,047,000 has been awarded by EPA to DEQ for OU7 for July 2004 through April 2009. DEQ, in turn, has awarded \$3,550,000 to a contractor, Tetra Tech, for Troy support. The average parcel inspection cost has been \$2,709 and the average removal cost has been \$57,650. Nine removals have been conducted in Troy by an EPA contractor.

*CAG Member Comment - The rate of participation by Troy parcel owners has been incredible. How was it achieved?*

Answer - We have had a number of well-attended public meetings and staff who have worked well with people in Troy.

## **Letter to Senator Baucus**

At the last CAG meeting, DC Orr volunteered to draft a letter to Senator Baucus thanking him on behalf of the CAG for holding the Senate hearing on EPA's actions related to a declaration of the public health emergency for Libby. Mr. Orr stated that he has a draft of the letter for circulation to the CAG for its consideration at the December meeting. He will provide a copy to Linda Newstrom so that she can email it to Mr. Mueller for distribution.

*CAG Member Comment - I have been in contact with Senator Baucus' Senate Office and there are several names of his staff members that should be mentioned in the letter.*

Response - I will revise the letter to include these names.

See Appendix 2 below for the draft letter.

## **Public Health Emergency Declaration**

*Audience Member Question - Has the local EPA team approached Region 8 in support of a declaration of a public health emergency in Libby?*

Response Kathy Hernandez - You should take this up with the new team leader.

Response by Ted Linnert - We have discussed the declaration several times at the regional level. A declaration would not come from EPA. It is important to understand that a declaration would not guarantee funding for long-term health care. In the past declarations have resulted in funding for palliative care and to replace the function of health care facilities destroyed in disasters.

*CAG Member Comment - A declaration would make a difference. It would remove barriers among agencies and eliminate red tape. After the public health emergency following the Twin Towers disaster, health care was provided through NIOSH. A declaration for Libby would open the door to providing health care. Mr. Linnert is correct. Funding would still have to be found for the health care.*

*Audience Member Comment - A declaration of public health emergency has been made twice, in response to hurricanes Katrina and Rita.*

*Audience Member Comment - We will not get a declaration until the administration in Washington changes.*

*CAG Member Comment - When the administration changes, and new officials are appointed, there will be an opportunity for the Senate to bring pressure for a public health emergency declaration.*

*CAG Member Comment - We were told that a declaration was required before insulation could be removed from Libby residences. EPA found a way to conduct the removals without a declaration.*

*CAG Member Comment - We should not take our eyes off of the risk assessment. Marcus Peacock, then with the Office of Management and Budget, blocked the public health emergency declaration. His name is now being mentioned for EPA Administrator.*

## **EPA Report**

Mike Cirian reported on behalf of EPA on the following subjects.

EPA Staffing Changes - Victor Ketellapper has been hired as the new Libby team leader. Mr. Ketellapper has been a remediation project manager with EPA for twenty years. He has been in Libby before. He assumes his new role on November 24, and will attend the December CAG meeting. The Libby Site has been moved to Region 8 Superfund Unit A, which is managed by Russ LeClerc.

Construction Updates - EPA has completed 145 property cleanups this year, bringing the Libby cumulative total to 1,099 properties. Cleanup of five properties remains to be finished this year.

*CAG Member Comment - It appears that at the end of the year EPA addresses lesser properties to hit its annual target.*

Response - We plan to accomplish a number of property cleanups each year based on the budget we receive. The annual number has been dropping because we have been cleaning larger and more complicated projects.

*CAG Member Question - Have you spent any of the \$250 million from the settlement with W.R. Grace?*

Answer - Yes. I will find out how much.



*Audience Member Question - Could you do a presentation on how much has been spent each year?*  
Answer - Yes.

*CAG Member Question - What is the budget for 2009?*  
Answer - It is being determined. Please ask this question of Mr. Ketellapper.

*CAG Member Comment - It is a good idea for EPA to review its priorities with this community.*  
Answer - I will pass this comment to Mr. Ketellapper. You can bring it up with him next month.

*CAG Member Question - What happened this year at the golf course?*  
Answer - We completed the sampling and are developing the removal design plan.

*CAG Member Question - Will you bring the design plan to the CAG?*  
Answer - Yes, but first we must review it with the management of the golf course.

School Sampling - We are moving forward with sampling at the schools. We have developed the data quality objective and will be conducting stationary sampling during December 8-12, 2008 at Asa Wood and Plummer Elementary Schools, the middle school, the high school, and the administration building.

*CAG Member Question - What about activity based sampling?*  
Answer - We will build on the stationary sampling.

*CAG Member Question - Can you tell us about the W.R. Grace criminal indictments? Can any fine from this case be used for long-term health care?*  
Answer - You will have to pose these questions to the US Department of Justice and EPA lawyers.

*CAG Member Question - The CAG sent a letter to the Department of Justice commenting on the proposed settlement. Have we received a response?*  
Answer by Catherine LeCours - Governor Schweitzer responded to the CAG's comments, and his letter was provided to the CAG.

*CAG Member Question - Last year Paul Peronard said that he could use \$40 million for Libby work. Mr. Murray said in a television interview that EPA could not use more than \$17 million.*  
Response - We have had \$17 million plus a "pipeline" budget. We are meeting in December to discuss next year's budget. Our funding now comes from the \$250 million settlement.

## **TAG Report**

Mike Noble stated that the Technical Advisory Group (TAG) has selected a new technical advisor and the contract for these services is under review. TAG hopes to have the new advisor on board by January 1, 2009. TAG's web site is [www.latag.org](http://www.latag.org). TAG meeting summaries are posted on the web site. Public comments on the web site are welcome.

## **Asbestos Health Funding Advisory Group**

Red Busby reported that the Asbestos Health Funding Advisory Group has met twice since the last CAG meeting. It has toured the St. John's Lutheran Hospital respiratory care unit and

communicated with LINCARE, a private company that supplies oxygen for disease patients. This company will help even if the W.R. Grace Health Plan does not cover oxygen supplies. The next meeting of this group will be on Monday, November 17 from 6:00-7:30 p.m. at St. John's Hospital Community Center. Anyone is welcome to attend.

## **Public Comment**

*CAG Member Comment - EPA has reported to us that someone dumped vermiculite at the export site. I have met with some folks to discuss this situation. We calculated that some 150 gallons of vermiculite must have been dumped to cover an area 150 yards long, 6 inches wide, and 1/8 inches deep. ER is EPA's contractor that hauls contamination to the mine. It also apparently found the contamination at the export plant site. We should talk with ER to ask if they dumped the material at the export plant. I have written a letter about this that I would like included with the meeting summary.*

Response by Gerald Mueller - I will attach the letter to the meeting summary. See Appendix 3.

Response by Mike Cirian - I found the contamination, not ER. I estimate that the amount in question was about a half gallon. It was not spread uniformly over the area. This matter has been referred to law enforcement, and I will not ask ER to come to the CAG to discuss it.

## **Next Meeting Agenda Topics**

The next meeting, will include the following topics:

- The draft letter to Senator Baucus.
- The designation of the public health emergency.

## **Next Meeting**

The next meeting is scheduled for 7:00 to 9:00 p.m. on December 11, 2008 in the Ponderosa Room of Libby City Hall.

**Appendix 1**  
**Libby CAG Meeting Attendance List**  
**November 13, 2008**

<b>Members</b>	<b>Group/Organization Represented</b>
K.W. Maki	Libby Schools
Philip Erquiaga	48 Degrees N./Eagles Voice
DC Orr	Libby
Gordon Sullivan	Self
Dr. Brad Black	Lincoln County Health Officer

## Appendix 2

Honorable Senator Max Baucus;

11-12-08

The September 25, 2008 EPW hearing gives the people of Libby cause to pause and thank you for all you have done for us. You stand out in your obvious dedication on the issue of asbestos contamination in Libby. We acknowledge dozens of personal visits to Libby, countless man-hours of Congressional service, field hearings and investigations which go above and beyond the call of duty. Please extend this thanks to your staff members Heather O'Laughlin, Bruce Fergusson, Paul Wilkins, and Caroline Pihl. We would like to also note the efforts of EPW staff member Grant Cope.

We will continue to push for a declaration of a public health emergency because of your leadership. You have done a great job explaining the political, financial, legal and procedural ramifications of allowing EPA to avoid this critical step in the process.

We were listening when you said "let's get it right". This concept of the precautionary principle is echoed in many areas of public service. Medical people swear to "first, do no harm." Common sense urges us to "look before we leap" as it is better to "be safe than sorry". EPA regulations deal with this principle when they say their actions must be "protective of human health". Special interests often are at odds with this concept.

You have done your best to keep this cleanup on track. Headlines attest to this fact. We fear that the public humiliation of EPA officials is not working, it has not deterred them from using dishonest and unethical tactics. Stronger sanctions are needed to ensure their actions are protective. Nine years of stirring this stuff up without protective measures is nine years of increased exposure on this sensitized community. Exposures which may present an acceptable risk in healthy populations affect this impacted community greatly.

ATSDR has acknowledged that age at first exposure is a primary factor in asbestos related disease. Our failures will be exposed in the youngest and weakest among us.

These failures are avoidable. When EPA promulgates a brochure stating that "low level, short-term" exposures are not a concern, and they know science says otherwise, they are as guilty of "knowing endangerment" as any Grace executive. It is an effort to conceal and misrepresent the hazardous nature of vermiculite and asbestos exposed by their actions.

Allowing unfiltered mine water to be used to wash trucks coming to town is criminal. Ignoring contamination at the school is unconscionable. The cleanup is failing.

It is time to reinstate an Ombudsmans Office and expand the indictments to include EPA agents. Using Grace's playbook to move this cleanup ahead provides short term benefits for individual careers with long term disaster the ultimate result.

The similarities between the actions of WR Grace in the past and EPA in the present are startling. The results of similar action in the past are evidenced by death and disease unparalleled in anything EPA has experienced before they came to Libby.

The latest deception arises in EPA officials publicly asking those who oppose this failed cleanup if they are advocating a halt to all cleanup. The consensus supports cleanup. Those who argue against this failed cleanup are just asking that it continue with ethical oversight and transparent planning that actually protects human health.

We would like to explore our options for legal remedy to EPA incompetence and corruption. Please let us know how your office can help.

### Appendix 3

Quite possibly the most serious incident in the Libby cleanup in 2008 would be the discovery of yet another pile of vermiculite in the corruption ridden cleanup of OU-I, the Export Plant. The discovery was glossed over at all public meetings and EPA claims local and federal law enforcement agents are working on it.

This discovery was quickly identified as planted material by the mayor of Libby. Someone is jeopardizing hundreds of millions of dollars worth of cleanup by spreading this stuff around town. Someone employing these tactics could drag this cleanup out for decades and harm human health in the process. Who would benefit from this action?

Let's look at this incident and see if we can't help EPA put an end to these shenanigans. I respectfully request that the following information be included in the summary of this meeting and forwarded to the relevant law enforcement agencies.

EPA rep Mike Cirian claims that this latest avenue of exposure was found in a strip 6 inches wide by fifty yards long. Calculating that at only one eighth of an inch deep would render a liquid volume of material roughly 120 gallons worth of contaminant. That is at least a 55 gallon drum, maybe two, even if you account for gaps in the strip.

Mike Cirian and Paul Peronard handed out flakes of the suspect material for inspection at a CAG meeting. This was not attic insulation, it was big flakes of raw ore, such as you would find at the mine. Attic insulation is readily available to anyone in the community, but this ore can only be found in the mine which is closed to the public.

EPA contractor ER has had spills of this material at their offices in Libby before when the young men sweeping the tire shop parking lot found flakes such as these.

EPA has used the "planted material" story to cover up their deficiencies before. When they announced that Grace had cleaned the buildings at this site, Les Skramstad started packing ajar of material he claimed was left behind after cleanup. EPA and Grace claimed Les planted the material. Les had a reporter from the newspaper verify that tons of contaminant remained in the buildings. EPA ordered the buildings destroyed without replacement after Mr. Skramstads inquiry. They recently used this same story to explain the flakes at Asa Wood School even though they know Grace built the walking path where the flakes were found.

Columbo used to follow three aspects of any crime to determine the most likely suspect...motive, means, and opportunity. Let's apply these criteria to this incident.

The material was found by ER employees moving their equipment to the site. Mike Cirian knows that the material had been there for "less than a couple of weeks" but doesn't explain how ER knew this. ER was paid a ton of money under their "cost plus" emergency response contract to clean up the contamination their employees found. ER has had to drastically reduce their profit margin on the competitive housecleaning work due to competition, but not on the cost plus work. This contract covered much more than 150 yards by six inches of ground. ER hauled this stuff to the minesite. ER controls access to the minesite. This material is found in abundance only in the minesite. ER could collect drums of this ore at the minesite. ER used contaminated mine water for years to wash trucks coming back to town. They have shown no respect for the toxicity of this material. Did I mention that ER was paid a ton of money to clean this up?

DC Orr